

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F038291 Deborah W. v. Superior Court of Stanislaus County; Stanislaus County Community Services Agency**

Pursuant to the terms of this court's order of July 13, 2001, and the failure of any party to request oral argument, the oral argument date of August 2, 2001, is vacated. The above-entitled case is submitted for decision.

**F036541 People v. Guerrero**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F036541 People v. Guerrero**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036857 People v. Willis**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F036857 People v. Willis**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036363 People v. Thompson**

**F037727 In re Lonnie M. Thompson on Habeas Corpus**

**F037728 In re Lonnie M. Thompson on Habeas Corpus**

The order filed on March 22, 2001, consolidating the above entitled actions, is vacated. Said actions shall be treated separately.

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**F035841      People v. Key**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F035841      People v. Key**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F033880      Exter Packers, Inc. v. James Tarrant, et al.**

The judgment is affirmed. Dibiaso, Acting P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034581      People v. Bonilla**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F034671      People v. Cooper**

The judgment is affirmed. Dawson, Pro Tem J.

We concur: Vartabedian, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036643      People v. Mercado**

**F038518      In re Paulino Mercado on Habeas Corpus**

On its own motion and after notice to the parties, the court orders the captioned matters consolidated pending further order of this court.

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**F034375      Cursi et al. v. Rainwater et al.**

The findings and conclusions set out in paragraph 5 of the judgment are reversed. Paragraph 8 of the judgment is vacated. In all other respects the judgment is affirmed. The trial court on remand shall re-determine the dimensions of the prescriptive easement acquired by Rainwaters, and shall state those dimensions, and the exact location of the entire easement, with specificity. The trial court shall make such other and further orders as may be found to be necessary and proper. The trial court, however, shall not receive on remand any additional evidence, and shall instead make its decisions based upon the record of the trial previously conducted in the case. (See *in re Marriage of Fonstein* )1976)17 Cal. 3d 738, 751.) If the judicial officer who heard the trial is not available, the matter may be assigned to any other judicial officer. Dibiaso, Acting P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037941      In re Karen P., a Minor**

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F038165      In re Edgar J. , a minor**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.